

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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UNITED STATES OF AMERICA,	)	C. A. No. 2:06-0557-DCN-RSC
	)	
Plaintiff,	)	
	)	
-versus-	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	
CAROLYN PINCKNEY, ENTERPRISE	)	
BANK OF SOUTH CAROLINA AND	)	
FAIRLANE CREDIT,	)	
	)	
Defendants.	)	

This is an action for foreclosure on real property, and the plaintiff has moved for summary judgment. The defendant does not contest the motion.

The defendant, Carolyn Pinckney, is in default under the terms of a note and mortgage executed in favor of the Farmers Home Administration, n/k/a Rural Development, United States Department of Agriculture, Account No. 6193473, which are the subject of this action. Payments have not been made when due under the note, and the note has been accelerated. According to the sworn statement of account before the court, as of July 20, 2006, there was due plaintiff the amount of \$77,215.64, which amount includes principal, interest, as well as other advances.<sup>1</sup>

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<sup>1</sup> Apparently this amount includes an interest credit recapture as is evidenced by a Subsidy Repayment Agreement in the amount of \$10,806.50, and a delinquent amount of \$21,539.80. See, Plaintiff's Motion, Exhibit C, Affidavit of Catherine M. Shuler.

Further, plaintiff is entitled to daily interest which has accrued from July 20, 2006, at the rate of \$10.6484 for each day. See, Plaintiff's Motion, Exhibit C Affidavit of Catherine M. Shuler.

The defendant does not contest the action and asks only that the terms of the note and mortgage be extended to include any arrearages so that she could stay in the house. She concludes, however, "If you decline my suggestion please inform me of my vacate date. I will move willingly without law enforcements." Reply filed October 18, 2006.

Now, therefore, it is recommended that the Plaintiff's motion for summary judgment be granted and the judgment sought be entered.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert S. Carr".

Robert S. Carr  
United States Magistrate Judge

Charleston, South Carolina

March 2, 2007

**Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
P.O. Box 835  
Charleston, South Carolina 29402

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).